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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,603	02/18/2004	Shotaro Abe	CREO-001	5146

23900 7590 03/22/2005

J C PATENTS, INC.  
4 VENTURE, SUITE 250  
IRVINE, CA 92618

EXAMINER

COURSON, TANIA C

ART UNIT PAPER NUMBER

2859

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/782,603

Applicant(s)

ABE ET AL.

Examiner

Tania C. Courson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 24MAY04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-3 are objected to because of the following informalities:
  - a. Claims 1-3, lines 4-5, lines 3-4 and lines 7-8, respectively: it is unclear how the “needle shaft” is rotatably pivoted by said upper case and said lower case” when it appears that the “shaft” is rotated by the “gear”, not the “upper and lower case”. For examination purposes, the examiner has assumed that the “shaft” is “rotatably pivoted” within the “upper case and said lower case as opposed to “by said upper case and said lower case”.
  - b. Claims 1-3, lines 9-10, line 6 and line 12, respectively: “shift supporting portion” should read “shaft supporting portion”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Callahan (US 2,924,022).

Callahan discloses in Figures 1-4, an indicator comprising:

With respect to claim 1:

- a) a case body including an upper case (10 & 12) and a lower case (9), an indicating needle shaft (15) rotatably pivoted by said upper case and said lower case (Fig. 1) and having a top portion projected to an outside from said upper case (Fig. 1); and an indicating needle (22) mounted on the projection of said indicating needle shaft (Fig. 2), wherein a concave portion (20) is provided on a shift supporting portion of said indicating needle shaft in a bottom surface of said lower case (Fig. 3) and a lower end portion of said indicating needle shaft is projected into the concave portion (Fig. 3), and the projection amount is smaller than a depth of said concave portion (Fig. 3).

With respect to method steps of claim 2:

- a) a method for mounting an indicating needle on an indicating needle shaft in which each of a top on portion and a lower end portion (Fig. 1) is rotatably pivoted by an upper case (10 & 12) and a lower case(9), and a leading end of the top portion is projected to an outside from said upper case (Fig. 1), comprising the steps of;
  - i. providing a concave portion (20) on a shift supporting portion of said indicating needle shaft in a bottom surface of said lower case (Fig. 3), and projecting a lower portion of said indicating needle shaft into said concave portion (Fig. 3)and;

- ii. disposing a jig (19) for receiving a lower end portion of said indicating needle shaft to a bottom surface side of said lower case when said indicating needle is pressed into a leading end of the top portion of said indicating needle shaft and receiving a strength of said indicating needle pressure by said jig (Fig. 3).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeki (JP-2001-317970) in view of Callahan.

Shigeki discloses an indicator including the following.

- a) a rotor (56);
- b) a stator (54);
- c) a coil (55) attached to said stator and;
- d) a case body (52) for housing said rotor, said stator and said coil (Fig. 6).

Shigeki does not disclose the following:

- a) a case body including

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- i. an upper case and a lower case;
- ii. an indicating needle shaft rotatably pivoted by said upper case and said lower case and having a top portion projected to an outside from said upper case;
- iii. an indicating needle mounted on the projection of said indicating needle shaft;
- iv. wherein a concave portion is provided on a shift supporting portion of said indicating needle shaft in a bottom surface of said lower case and a lower end portion of said indicating needle shaft is projected into the concave portion and the projection amount is smaller than a depth of said concave portion.

Callahan teaches an indicator that consists of a case body including an upper case (10 & 12) and a lower case (9); an indicating needle shaft (15) rotatably pivoted by said upper case and said lower case (Fig. 1) and having a top portion projected to an outside from said upper case (Fig. 1); an indicating needle (22) mounted on the projection of said indicating needle shaft (Fig. 2); wherein a concave portion (20) is provided on a shift supporting portion of said indicating needle shaft in a bottom surface of said lower case (Fig. 3) and a lower end portion of said indicating needle shaft is projected into the concave portion (Fig. 3), and the projection amount is smaller than a depth of said concave portion (Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the indicator of Shigeki, so as to replace the case body of Shigeki, with the case body of Callahan,

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because both are well known alternate types of case bodies which will perform the same function, if one is replaced with the other, of maintaining a needle shaft and its components.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose an indicator:

Breinich et al. (US 6,854,416 B2)

Adams et al. (US 6,470,822 B2)

Totsuka (US 5,267,526)

Brooks (US 5,017,862)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

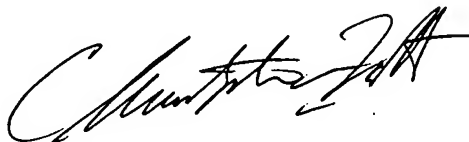
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
GROUP ART UNIT 2859

TCC  
March 20, 2005

CHRISTOPHER W. FULTON  
PRIMARY EXAMINER